

### REMARKS

This application has been reviewed in light of the Office Action mailed on June 16, 2003. Claims 1-18, 20 and 22-61 are pending in the application with Claims 1, 13, 18, 22, 24, 36, 42 and 54 being in independent form. By the present amendment, Claims 1-4, 7, 9-11, 13-18, 20, 22-27, 32, 34-36, 39-46, 51 and 54-58 have been amended. No new matter or issues are believed to be introduced by the amendments.

As per Examiner's recommendation, Claim 23 has been amended to correct the lack of an antecedent basis for "the oblique angle". Amended Claim 23 recites in part: "The unitarily formed body of claim 22 wherein said collection surface has an oblique angle..."

**I. Rejection of Claims 1-4, 7-11, 13-18, 20, 22-27, 30, 32-37 and 39-41 Under 35 U.S.C. §102(b)**

Claims 1-4, 7-11, 13-18, 20, 22-27, 30, 32-37 and 39-41 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,603,262 issued to Eastman et al. ("Eastman et al.").

Claim 1 recites: "An optical device for use in an optical system for reading an optical code, said optical device comprising a unitarily formed body of optically transmissive material having an aperture forming area and a beam phase modifying area both being integrally formed with said unitarily formed body and receptive of light from a light source for a focus-free forming of a beam for reading the optical code, said unitarily formed body also having an integrally formed collection surface for reflecting at least a portion of light returning from the optical code to a photodetector." (Emphasis

added) Additionally, Claims 13, 18, 22, 24, 32 and 36 recite similar language regarding integrally formed areas and surfaces on a unitarily formed body.

Eastman et al. teaches an optical code reading system having discrete optical elements – i.e. aperture forming element 32, phase modifying elements 62 and 74, etc. – positioned within a housing 12 having an upper portion and a handle portion. Eastman et al. however, does not disclose or suggest the housing 12 as being of a unitarily formed optically transmissive material nor is it disclosed that the optical elements are integrally formed with a unitarily formed body. In fact, the optical elements are specifically disclosed as being discrete components and as such teach away from Applicants' claimed “unitarily formed body of optically transmissive material having an aperture forming area and a beam phase modifying area both being integrally formed with the unitarily formed body” and “an integrally formed collection surface.”

Therefore, for at least these reasons, Claims 1, 13, 18, 22, 24, 32 and 36 are believed to be patentably distinct over the prior art reference and accordingly, withdrawal of the rejection under 35 U.S.C. §102(b), with respect to Claims 1, 13, 18, 22, 24, 32 and 36, over Eastman et al. and allowance thereof are respectfully requested.

Claims 2-4, 7-11, 14-17, 20, 23, 25-27, 30, 33-35, 37 and 39-41 depend from independent Claims 1, 13, 18, 22, 24, 32 and 36 and therefore include the limitations of those claims. Therefore, for at least the same reasons given above for Claims 1, 13, 18, 22, 24, 32 and 36, Claims 2-4, 7-11, 14-17, 20, 23, 25-27, 30, 33-35, 37 and 39-41 are believed to be allowable over the cited reference.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b), with respect to Claims 2-4, 7-11, 14-17, 20, 23, 25-27, 30, 33-35, 37 and 39-41, over Eastman et al. and allowance thereof are respectfully requested.

**II. Rejection of Claims 5-6, 28-29, 31, 38 and 42-53 under 35 U.S.C. §103(a)**

Claims 5-6, 28-29, 31, 38 and 42-53 were rejected under 35 U.S.C. §103(a) over Eastman et al. in view of U.S. Patent No. 5,864,128 issued to Plesko ("Plesko '128").

Independent Claim 42 recites language similar to that of Claim 1. Specifically, Claim 42 recites: "An optical code reader for reading an optical code by projecting laser light at said indicia and collecting light reflected from said optical code, the optical code reader comprising: a pen-shaped housing; a laser source for emitting said laser light; a unitarily formed body of optically transmissive material for focusing said light into a beam, said unitarily formed body having an integrally formed output surface perpendicular to said beam through which said beam can be transmitted toward said optical code and an integrally formed collector surface positioned for directing at least a portion of said returning beam to a photodetector; and a detector for receiving a portion of light reflected from said optical code by said integrally formed collector surface and producing an electrical signal corresponding to the intensity of said reflected light, wherein said laser source, said unitarily formed body, said integrally formed collector and said detector are situated in said housing." (Emphasis added)

As previously stated with respect to the rejection of Claim 1 under 35 U.S.C. §102(b), Eastman et al. teaches an optical code reading system having discrete optical

elements – i.e. aperture forming element, phase modifying element, etc. – positioned within a housing 12 having an upper portion and a handle portion. Eastman et al. however, does not disclose the housing as being formed of optically transmissive material nor is it disclosed that the optical elements are integrally formed with the unitarily formed body. In fact, the optical elements are specifically disclosed as being discrete components and as such teach away from Applicants' claimed "unitarily formed body of optically transmissive material... having an integrally formed output surface... and an integrally formed collector surface."

Plesko '128 discloses the use and fabrication of apertures to increase the useable range of the scanning device. Plesko '128 does not, however, disclose or suggest "unitarily formed body of optically transmissive material having ... an integrally formed collector surface positioned for directing... the returning beam to a photodetector". Thus, Plesko '128 does not cure the deficiencies in Eastman et al.

Neither Eastman et al. nor Plesko '128, alone or in any proper combination, disclose or suggest a "unitarily formed body of optically transmissive material... having an integrally formed output surface... and an integrally formed collector surface positioned for directing at least a portion of the returning beam to a photodetector". Therefore, for at least the reasons given above, Claim 42 is believed to be allowable over the cited references. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a), with respect to Claim 42, over Eastman et al. in view of Plesko '128 and allowance thereof are respectfully requested.

Dependent Claims 5-6, 28-29, 31, 38 and 43-53 depend from Independent Claims 1, 24, 36 and 42 and therefore include the limitations of those independent claims. With respect to any proper combination of Eastman et al. and Plesko '128, the reasons given above in support of Claim 42 apply equally well to Claims 1, 24 and 36 as all these claims recite similar relevant language. Therefore, for at least the same reasons given above for Claim 42, Claims 5-6, 28-29, 31, 38 and 43-53 are believed to be allowable over the cited reference.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a), with respect to Claims 5-6, 28-29, 31, 38 and 43-53, over Eastman et al. in view of Plesko '128 and allowance thereof are respectfully requested.

### **III. Rejection of Claim 12 under 35 U.S.C. §103(a)**

Claim 12 was rejected under 35 U.S.C. §103(a) over Eastman et al. in view of U.S. Patent No. 5,602,376 issued to Coleman et al. ("Coleman et al.").

Dependent Claim 12 depends from Independent Claim 1 and therefore include the limitations of that independent claim. Therefore, for at least the same reasons given above for Claim 1, Claim 12 is believed to be allowable over the cited reference taken alone or in any proper combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a), with respect to Claim 12, over Eastman et al. in view of Coleman et al. and allowance thereof are respectfully requested.

**IV. Rejection of Claims 54-58 under 35 U.S.C. §103(a)**

Claims 54-58 were rejected under 35 U.S.C. §103(a) over Eastman et al. in view of U.S. Patent No. 5,933,288 issued to Plesko ("Plesko '288").

Claim 54 has been amended in a manner, which is believed to better define Applicants' invention and to obviate the rejection. Claim 54 recites: "A wand reader for reading an optical code by projecting a focused beam of light at said optical code and collecting return light reflected from said optical code, the reader comprising: a light source for emitting light energy; a unitarily formed body of optically transmissive material for focusing said light energy into the focused light beam, said unitarily formed body having an integrally formed output surface perpendicular to said focused light beam through which said focused light beam can be transmitted toward said optical code; an integrally formed collector surface positioned for directing at least a portion of said returning beam to a photodetector; and a detector for receiving a portion of the return light reflected from said optical code and producing an electrical signal corresponding to the intensity of said return light, wherein said light source, said unitarily formed body and said detector are situated in an antenna for use with a wireless transceiver of a telephone or personal digital assistant." (Emphasis added)

As discussed previously with respect to Claim 1, Eastman fails to disclose or fairly suggest a unitarily formed body of optically transmissive material having an integrally formed output surface and an integrally formed collector surface positioned for directing at least a portion of said returning beam to a photodetector. Additionally,

Eastman et al. fails to disclose or fairly suggest a unitarily formed body and detector situated in an antenna for use with a wireless transceiver of a telephone or personal digital assistant. While, Plesko '288 discloses an optical scanner, Plesko '288 does not disclose one situated in an antenna. In fact, Plesko '288 disclosure is directed towards a "capacitively coupled switch mechanism" as a means of activating a handheld optical code scanner. The antenna is a component of this switch mechanism and not a housing for an optical code reader. Consequently, Plesko '288 fails to disclose or fairly suggest "a unitarily formed body of optically transmissive material... having an integrally formed output surface... and an integrally formed collector surface... situated in an antenna for use with a wireless transceiver of a telephone or personal digital assistant." Thus, neither Eastman et al. nor Plesko '288, disclose or fairly suggest, alone or in any proper combination, Applicants' claimed invention as recited in Claim 54. Therefore, for at least the reason given above, Claim 54 is believed to be patentably distinct over the cited references taken alone or in any proper combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a), with respect to Claim 54, over Eastman et al. in view of Plesko '288 and allowance thereof are respectfully requested.

Claims 55-58 depend from Independent Claim 54 and therefore include the limitations of Claim 54. Therefore, for at least the same reasons given above for Claim 54, Claims 55-58 is believed to be allowable over the cited reference taken alone or in any proper combination. Accordingly, withdrawal of the rejection under 35 U.S.C.

§103(a), with respect to Claims 55-58, over Eastman et al. in view of Plesko '288 and allowance thereof are respectfully requested.

**V. Rejection of Claims 59-61 under 35 U.S.C. §103(a)**

Claims 59-61 were rejected under 35 U.S.C. §103(a) over Eastman et al. in view of Plesko '128 and in further view of Plesko '288.

Claims 59-61 depend from Independent Claim 54 and therefore include the limitations of Claim 54. Therefore, for at least the same reasons given above for Claim 54, Claims 59-61 is believed to be allowable over the cited reference taken alone or in any proper combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a), with respect to Claims 59-61, over Eastman et al. in view of Plesko '128 and in further view of Plesko '288 and allowance thereof are respectfully requested.

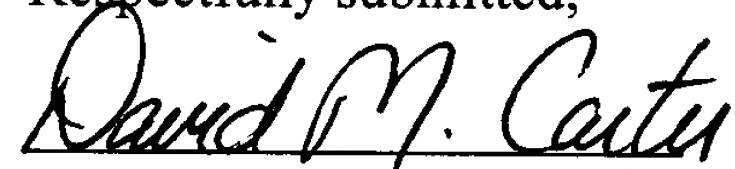


**VI. Conclusions**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-18, 20 and 22-61, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,



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